

REMARKS/ARGUMENTS**The Office Action**

Claims 1-8 and 10-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al. (U.S. Pat. No. 5,825,759) in view of Siegel (U.S. Pat. No. 6,766,277). Claims 9 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over O'Reilly et al. in view of Siegel, and further in view of Nolting (U.S. Pat. No. 6,282,267).

The Claims

Claims 1-18 remain in this application. Claims 1, 2, 7, 10, 11 and 16 have been amended to more clearly define the invention. Support for the claim amendments may be found throughout the specification and in the drawings.

Claims 1-8 and 10-17 Are Patentably Distinguishable Over the Cited Art

The present application is directed to an effective surveillance system for providing an early warning of unusual outbreaks of disease or other public health crises, whether natural or intentional.

For example, currently amended claims 1 and 10 call for a method and system for detecting an atypical occurrence within a given region in a telecommunications network. Each of these claims calls for "assigning a given weight to each of a plurality of destination addresses within said region according to said weighting system" (see paragraph 14 and table 1 in the specification).

The primary reference, O'Reilly, relates special service telephone call processing (*i.e.*, 800, 900 and VNET calls) in a telecommunications network. O'Reilly discloses a system and method for viewing the traffic of the calls to provide customers or subscribers with special service call disposition statistics and call detail information. As noted in O'Reilly (col. 3, lines 12-25):

The present invention provides traffic statistics data as specialized reports and/or data files to subscribers who subscribe to the special service call processing service provided by the network; provides a subscriber the ability to download call statistics from the database of the TVS system so that he can format and design his own reports; provides a subscriber the ability to instruct the system to provide reports on a particular given time through a particular method; provides reports to subscribers that contain greater call details of their subscribed special service calls than other previous systems and methods; and provides real

time enhanced call detail records to subscribers so that a subscriber can monitor in real time the operation of the network, so as to be able to effect the necessary changes expeditiously.

While O'Reilly does all this, it fails to teach, among other things, assigning a given weight to a destination address according to a weighting system. In reviewing O'Reilly, particularly the cited portion (col. 8, lines 60-67 to col. 9, lines 1-60), it is apparent that quite a lot of data is compiled for calls to a customer's 800/900 number (i.e., destination number). For example, call completion ratios, NPA counts, MTS counts, and terminating call dispositions may be provided. All of these statistics relate to a customer's 800/900 number so that that customer may ultimately be able to determine the effectiveness of the number. Thus, there is no need to *weight* a particular 800/900 number, since the customer would not care what is happening to the 800/900 numbers of other telephone customers. Not surprisingly, there is no mention in O'Reilly of the concept of weighting telephone numbers. As such, this feature is not taught or suggested by O'Reilly in any way.

Currently amended claims 1 and 10 also call for "assigning a given weight to each of a plurality of destination addresses within said region according to said weighting system" (see paragraph 14 and table 1 in the specification). Again, this feature is not taught or suggested by the cited references. For instance, since O'Reilly does not weight destination addresses, it does not develop a weighted call traffic pattern based upon call data, as provided in amended claims 1 and 10.

Finally, as acknowledged by the Examiner in the Office Action, O'Reilly fails to teach "using said weighted call traffic pattern to detect an atypical occurrence within said region." However, the Examiner alleges that Siegel teaches the claimed using feature and that it would have been obvious to combine the teaches of Siegel with O'Reilly. Without conceding the obviousness of the combination, applicant notes that the combination still fails to teach all the features of the claim.

In particular, applicant respectfully disagrees that Siegel discloses the claimed features, including using the weighted call traffic pattern to detect an atypical occurrence. Siegel is directed to a computerized early warning network for biological defense or terrorism that produces an alert and calls the health authorities to action. Data is generated in the point of sale units of a retail store or pharmacy that sells prescription and nonprescription medicines. The database of purchases is periodically called to extract information regarding the quantities of different types of medicines purchased in a given period and that information is transmitted to the servers of the

public health authorities. Thus, with medicine type correlated to specific diseases, the computers of the health authorities evaluate the purchase information on a type by type basis and region basis to determine occurrence of biological event in any of the regions. Siegel, however, fails to assign weights to various telephone numbers, much less use weighted call patterns to determine an atypical occurrence. Siegel is limited to extracting sales information from point of sales systems and similar information systems in retail businesses on purchases of medicine and analyzing the acquired information. Siegel does not disclose monitoring the number of telephone calls to specific locations, including non-medical related locations such as schools, day cares, and work places. As such, Siegel does not teach or suggest assigning given weight to destination addresses, developing a way to call traffic pattern based upon call data, or using the weighted call traffic pattern to detect an atypical occurrence within a region, as set forth in claims 1 and 10. Thus, Siegel fails to make-up for the short comings in O'Reilly's teachings.

Thus, neither O'Reilly nor Siegel, either individually or in combination, expressly teach or fairly suggest the forgoing feature. Therefore, a prima facie case of obviousness has not been established since the alleged combination does not expressly disclose or fairly suggest all the claimed features. The rejection of independent claims 1 and 10 (and their corresponding dependent claims) should therefore be withdrawn.

CONCLUSION


For at least the reasons detailed above, it is respectfully submitted that all claims pending in the application (Claims 1-18) are in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone the undersigned, at (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

1/5/06
Date




John S. Zanghi, Esq.
Reg. No. 48,843
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
216-861-5582

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